

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52970 of 2024**

Arising Out of PS. Case No.-1572 Year-2023 Thana- KATIHAR COMPLAINT CASE  
District- Katihar

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Kundan Kumar Goswami @ Kundan Goswami Son Of Sri Manoj Kumar Goswami Resident Of Mohalla- Indrapuri, Bmp-7, P.S.- Sahayak, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gopal Lal Das Son Of Late Pankaj Kumar Goswami Resident Of Simra Bagan, Hridayganj, P.S.- Sahayak, Distt.- Katihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Vinay Ranjan, Advocate       |
| For the State        | : | Mr. Anand Kishore Choudhary, APP |
| For the Complainant  | : | Mr. Bimal Kumar, Advocate        |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      11-04-2025                      Heard Mr. Vinay Ranjan, learned counsel for the petitioner, Mr. Anand Kishore Choudhary, learned Additional Public Prosecutor for the State and Mr. Bimal Kumar, learned counsel for the complainant.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1572 of 2023 for the offences punishable under Sections 420 of the Indian Penal Code.

3. According to prosecution case, the complainant took 5 acres land on lease and paid Rs. 15,65,000/- to them. Thereafter, he also paid Rs.27,07,080/- to the accused persons,



but they fled away from Katihar. Accused persons gave a cheque of Rs.8,55,000/- to the complainant , but the same was dishonoured and accused persons cheated the complainant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the complaint petition, it appears that the petitioner had already complied the terms and conditions as executed business parties and then the petitioner had paid Rs.27,07,080/- in the account of the co-accused namely, Amit Kumar. Although, the petitioner is the relative of the co-accused Amit Kumar, but he has no role at all in the present occurrence. It is further submitted that the petitioner has not received a single penny in his bank account or cash.

5. The learned Additional Public Prosecutor for the State and learned counsel for the complainant have vehemently opposed the prayer for bail of the petitioner. Learned APP for the State further submits that it is mentioned in the bail petition that the petitioner carries one criminal antecedent other than the present one but it reflect from the supplementary affidavit filed on behalf of the petitioner that the petitioner carries two more criminal antecedent other than the present one.



6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Katihar in connection with Complaint Case No. 1572 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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